IDEM **INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

NOTICE OF DECISION

Please be advised that on October 23, 2008, the Commissioner of the Indiana Department of Environmental Management (IDEM) issued a Hazardous Waste Post-Closure Permit Renewal requested under Indiana Code 13-22 and Rule 329 IAC 3.1 to the Wheeler Landfill, located in Wheeler, Indiana. This permit will allow Wheeler to continue to maintain and monitor their closed hazardous waste landfill in accordance with 329 IAC 3.1 and 40 CFR 264.

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a Petition for Administrative Review. If you seek to have the effectiveness of the permit stayed during the Administrative Review, you must also file a Petition for Stay. The Petition(s) must be submitted to the Office of Environmental Adjudication at the following address within fifteen days of your receipt of this notice:

Office of Environmental Adjudication
Government Center North, Room 501
100 North Senate Avenue
Indianapolis, Indiana 46204

The Petition(s) must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision, or otherwise entitled to review by law. Identifying the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition. Additionally, IC 13-15-6-2 requires that your Petition include:

1.   The name and address of the person making the request.

2.   The interest of the person making the request.

3.   Identification of any persons represented by the person making the request.

4.   The reasons, with particularity, for the request.

5.   The issues, with particularity, for the request.

6.   Identification of the permit terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing permits of the type granted or denied by the Commissioner's action.

Pursuant to IC 4-21.5-3-1(f), any document serving as a petition for review or review and stay must be filed with the Office of Environmental Adjudication. Filing of such a document is complete on the earliest of the following dates:

1.   The date on which the petition is delivered to the Office of Environmental Adjudication (OEA);

2.   The date of the postmark on the envelope containing the petition, if the petition is mailed by United States mail; or

3.   The date on which the petition is deposited with a private carrier, as shown by a receipt issued by the carrier, if the petition is sent by private carrier.

Pursuant to IC 4-21.5-3-3, the Office of Environmental Adjudication will provide you with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this decision if you submit a written request to the Office of Environmental Adjudication at the above address. If you do not provide a written request to the Office of Environmental Adjudication, you will no longer be notified of any proceedings pertaining to this decision.

For further information, please see the attachment. If you have any procedural or scheduling questions regarding your petition(s), you may contact OEA at 317/232-8591.

Copies of the Permit Conditions and the Notice of Decision may also be viewed on the IDEM web site at: *www.IN.gov/idem/permits/land/notices/index.html*

A Response to Comments has been prepared for comments received during the public comment period. The Response to Comments is enclosed for your information.

For further information regarding this notice, please call (800) 451-6027, press 0, and ask for Mr. Doug Griffin at extension 3-2299, or call 317/233-1053.

Sincerely,

Thomas E. Linson, Chief
Permits Branch
Office of Land Quality

DG/gjo
Enclosure